

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOSHUA DALKE,

4 Plaintiff

5 v.

6 METRO POLICE DEPARTMENT,

7 Defendant

Case No.: 2:21-cv-00596-APG-DJA

**Order Reopening Case and Setting
Deadline to Respond to Report and
Recommendation**

8 On September 20, 2021, Magistrate Judge Albregts recommended I dismiss this case with
9 prejudice because plaintiff Joshua Dalke's claims are time-barred and he has provided nothing to
10 demonstrate the limitation period has not run or that equitable tolling applies. ECF No. 11.
11 Dalke did not object. Consequently, I accepted the report and recommendation and dismissed
12 this case with prejudice. ECF No. 12. Dalke thereafter filed a letter in which he appears to
13 contend that he did not receive the report and recommendation. ECF No. 14. I construe his letter
14 as a motion to reopen the case and I grant it. I direct the clerk of court to send Dalke the report
15 and recommendation and I extend the time for Dalke to file an objection. I advise Dalke that if
16 he does not timely object, I will again accept the report and recommendation and dismiss his
17 claims with prejudice.

18 I THEREFORE ORDER the clerk of court to reopen the case and to send Magistrate
19 Judge Albregts' report and recommendation (ECF No. 11) to plaintiff Joshua Dalke.

20 I FURTHER ORDER that plaintiff Joshua Dalke has until November 16, 2021 to file an
21 objection to the report and recommendation. Failure to object by that date will result in me
22 accepting the report and recommendation and dismissing Dalke's claims with prejudice.

23 DATED this 27th day of October, 2021.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE